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CHURCH OF SCIENTOLOGY
12 INTERNATIONAL

13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF MARIN

16 CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California not-)
17 for-profit religious corporation,)

18)
19)
20 Plaintiff,)

21 vs.)

22)
23)
24 GERALD ARMSTRONG; DOES 1 through)
25 25, inclusive,)

26 Defendants.)
27)
28)

CASE NO. 157 680

[CONSOLIDATED]

PLAINTIFF'S OBJECTIONS TO
ARMSTRONG'S EVIDENCE
SUBMITTED IN OPPOSITION TO
MOTION FOR SUMMARY
ADJUDICATION OF FOURTH,
SIXTH, AND ELEVENTH CAUSES
OF ACTION

DATE: January 27, 1995

TIME: 9:00 a.m.

DEPT: 1

TRIAL DATE: May 18, 1995

RECEIVED

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HUB LAW OFFICES

1 Plaintiff Church of Scientology International (hereinafter "the
2 Church") hereby submits the following evidentiary objections to
3 defendant Gerald Armstrong's evidence in opposition to the
4 Church's motion for summary adjudication of the fourth, sixth and
5 eleventh causes of action.

6 Plaintiff objects to specific points in the declarations of
7 Gerald Armstrong and Ford Greene, and the items of evidence
8 proffered therewith, on the grounds of inadmissibility because of
9 incompetency, lack of preliminary or foundational facts,
10 irrelevancy, hearsay, incorrect form, improper opinion, lack of
11 probative value under section 352 of the California Evidence Code,
12 and failure to request judicial notice. Moreover, much of the
13 offered "evidence" is cumulative or repetitive and serves no
14 purpose other than defendant's intent to prejudice the Court
15 against plaintiff.

16 **SPECIFIC OBJECTIONS TO EVIDENCE:**

17
18 **A. Objections To Exhibit 1, Declaration Of Gerald Armstrong,
And To Exhibits A - F Thereto**

19 1. Paragraph 2: Plaintiff objects to the averments of this
20 paragraph, p. 2 lines 1-13, on the grounds that the averments are
21 irrelevant, and contain improper opinion. Plaintiff further
22 objects to Exhibit 1-A, "decision of Judge Paul G. Breckenridge"
23 on the grounds it (1) lacks foundation and authentication as a
24 correct copy, (2) lacks relevance, and (3) has not been properly
25 noticed.

26 2. Paragraph 3: Plaintiff objects to the averments contained
27 in lines 15-17, on the grounds that they (1) are not based on
28 personal knowledge, (2) lack relevance, and (3) contain improper

1 opinion.

2 3. Paragraph 5: Plaintiff objects to the averments contained
3 in this paragraph, on the grounds that they (1) lack relevance,
4 (2) to the extent that Armstrong's alleged 1986 comments are
5 offered to prove the truth of the matters asserted therein,
6 constitute inadmissible hearsay, and (3) violate the parol
7 evidence rule.

8 4. Paragraph 6: Plaintiff objects to the averments contained
9 in this paragraph, on the grounds that they consist entirely of
10 inadmissible hearsay, that is, the claimed out-of-court statements
11 of non-party Michael Flynn, which are offered by Armstrong to
12 prove the truth of the matters asserted in those statements.
13 Plaintiff further objects to these averments on the grounds that
14 they lack relevance and violate the parol evidence rule.

15 5. Paragraph 7: Plaintiff objects to the averments contained
16 in this paragraph, 4:15 - 5:2, on the grounds that they consist
17 entirely of inadmissible hearsay, that is, the claimed out-of-
18 court statements of non-party Michael Flynn and Eddie Walters,
19 which are offered by Armstrong to prove the truth of the matters
20 asserted in those statements. Plaintiff further objects to these
21 averments on the grounds that they lack relevance and violate the
22 parol evidence rule.

23 6. Paragraph 8: Plaintiff objects to the averments contained
24 in this paragraph, on the grounds that they (1) lack relevance,
25 (2) to the extent that the alleged 1986 comments are offered to
26 prove the truth of the matters asserted therein, they constitute
27 inadmissible hearsay, (3) the averments contain improper opinion,
28 and (4) violate the parol evidence rule.

1 7. Paragraph 9: Plaintiff objects to the averments contained
2 in this paragraph, on the grounds that they consist entirely of
3 inadmissible hearsay, that is, the claimed out-of-court statements
4 of non-party Michael Flynn, which are offered by Armstrong to
5 prove the truth of the matters asserted in those statements.
6 Plaintiff further objects to these averments on the grounds that
7 they lack relevance and violate the parol evidence rule.

8 8. Paragraphs 10 and 11: Plaintiff objects to the averments
9 contained in these paragraph, on the grounds that they (1) lack
10 relevance, (2) consist entirely of improper opinion, and (3)
11 violate the parol evidence rule.

12 9. Paragraphs 12 and 13: Plaintiff objects to the averments
13 contained in these paragraphs, on the grounds that they (1) lack
14 relevance, (2) to the extent that the alleged 1986 comments are
15 offered to prove the truth of the matters asserted therein, they
16 constitute inadmissible hearsay, (3) the averments contain
17 improper opinion, and (4) violate the parol evidence rule.
18 Plaintiff further objects that some or all of the statements
19 contained in this paragraph directly contradict prior admissions
20 of Mr. Armstrong, and thus should be disregarded. Advanced Micro
21 Devices, Inc. v. Great American Surplus Lines Ins. Co. (1988) 199
22 Cal.App.3d 791, 800-801, 245 Cal.Rptr. 44.

23 10. Paragraph 14: Plaintiff objects to the averments of
24 this paragraph on the grounds that the averments lack relevance.
25 Plaintiff further objects to Exhibits 1-B and 1-C on the grounds
26 that they (1) lack foundation, in that Armstrong himself avers
27 that he never saw the documents and has no personal knowledge as
28 to their authenticity, and (2) lack relevance.

1 11. Paragraph 15: Plaintiff objects to the averments
2 contained in this paragraph, on the grounds that they (1) lack
3 relevance, (2) to the extent that the alleged 1986 comments are
4 offered to prove the truth of the matters asserted therein, they
5 constitute inadmissible hearsay, and (3) the averments contain
6 improper opinion.

7 12. Paragraph 17: Plaintiff objects to the averments
8 contained in these paragraphs, on the grounds that they
9 constitute inadmissible hearsay and lack relevance. Plaintiff
10 further objects to Exhibits 1-E and 1-F on the grounds that they
11 are not properly authenticated, lack foundation, and are
12 inadmissible hearsay.

13 **B. Objections To Exhibit 2, Declaration Of Ford Greene, And To**
14 **Exhibits A - D Thereto**

15 13. Paragraph 7: Plaintiff objects to Exhibits C and D, on
16 the grounds that they (1) lack relevance, and (2) lack
17 authentication, in that Mr. Greene has and avers no personal
18 knowledge concerning the creation of the documents.

19 **C. Objections to Armstrong's Request For Judicial Notice, And**
20 **to Exhibits A - F Thereto**

21 14. Plaintiff objects to the admission of Exhibits B, C, D
22 and F, on the grounds that the exhibits (1) lack relevance and (2)
23 are more prejudicial than they are probative. Evid. Code § 352.
24 Plaintiff objects to the admission of Exhibit A on the grounds
25 that it (1) lacks relevance, and (2) is incomplete.

26 **D. Objections to Armstrong's Supplemental Declaration, And**
27 **Exhibits A - N Thereto**

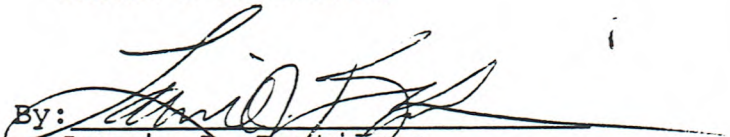
28 Plaintiff objects to this declaration and its exhibits in its
entirety, for all of the reasons stated in Church of Scientology

1 International's Ex Parte Application For An Order Striking
2 Armstrong's Late-Filed Supplemental Declaration In Opposition To
3 Plaintiff's Motion for Summary Adjudication Of The Fourth, Sixth
4 And Eleventh Causes Of Action Of Second Amended Complaint, Or, In
5 The Alternative, For An Order Sealing Exhibits A And M To Said
6 Declaration; Request For Sanctions [C.C.P. § 437c(i)], which is
7 incorporated herein by reference. Plaintiff moves that this
8 supplemental declaration be stricken, together with all of its
9 exhibits, and requests that Armstrong and his counsel be
10 sanctioned for its filing pursuant to Code of Civil Procedure
11 Section 437c(i) in the amount of \$5,000.

12 Dated: January 24, 1995

Respectfully submitted,

13 MOXON & BARTILSON

14
15 By: 
16 Laurie J. Bartilson

17 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

18 Attorneys for Plaintiff
19 CHURCH OF SCIENTOLOGY INTERNATIONAL
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 24, 1995, I served the foregoing document described as PLAINTIFF'S OBJECTIONS TO ARMSTRONG'S EVIDENCE SUBMITTED IN OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF FOURTH, SIXTH, AND ELEVENTH CAUSES OF ACTION on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

BY FAX AND MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on January 24, 1995 at Los Angeles, California.

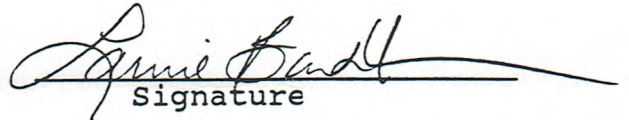
[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on _____ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laurie Bartilson
Print or Type Name


Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

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by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 94939

BY MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on January 24, 1995 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on _____ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laure Barison

Print or Type Name



Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)